

Section 900.110 Nature and Rate of the Surcharge**a) Nature and Rate of Tax**

An annual surcharge is imposed upon each operator who operates a live adult entertainment facility in this State. By January 20, 2014, and by January 20 of each year thereafter, each operator shall elect to pay the surcharge according to one of the two methods set forth in this Section.

1) *An operator who elects to be subject to this subsection (a)(1) shall pay to the Department a surcharge imposed upon admissions to a live adult entertainment facility operated by the operator in this State in an amount equal to \$3 per person admitted to that live adult entertainment facility. This subsection (a)(1) does not require a live entertainment facility to impose a fee on a customer of the facility. An operator has the discretion to determine the manner in which the facility derives the moneys required to pay the surcharge imposed under this Section. In the event that an operator has not filed the applicable returns under the ROTA for a full calendar year prior to any January 20, then the operator shall pay the surcharge pursuant to this subsection (a)(1) for moneys owed to the Department subject to the Act for the previous calendar year.*

2) *An operator may, in the alternative, pay to the Department the surcharge as follows:*

A) *If the gross receipts received by the live adult entertainment facility during the preceding calendar year, upon the basis of which a tax is imposed under Section 2 of the ROTA, are equal to or greater than \$2,000,000 during the preceding calendar year, the operator shall pay the Department a surcharge of \$25,000.*

B) *If the gross receipts received by the live adult entertainment facility during the preceding calendar year, upon the basis of which a tax is imposed under Section 2 of the ROTA, are equal to or greater than \$500,000 but less than \$2,000,000 during the preceding calendar year, the operator shall pay to the Department a surcharge of \$15,000.*

C) *If the gross receipts received by the live adult entertainment facility during the preceding calendar year, upon the basis of which a tax is imposed under Section 2 of the ROTA, are less than \$500,000 during the preceding calendar year, the operator shall pay the Department a surcharge of \$5,000. [35 ILCS 175/10]*

b) *An operator may elect on an annual basis the method to pay the surcharge and is not bound by a prior election.*